

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ELIZABETH RUIZ, as mother )  
and natural guardian of )  
ERIN ARTIS, and )  
ELIZABETH RUIZ, Individually, )  
Plaintiff )  
vs. )  
UNITED STATES OF AMERICA, )  
Defendant )

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Civil Action No. 04-12119PBS

**DEFENDANT'S MOTION FOR 60-DAY CONTINUANCE OF CASE MEDIATION**

The defendant, United States of America, in the above-captioned proceeding moves herein for a 60-day continuance of the Mediation in this action, currently scheduled for November 30, 2005, **until on or after January 30, 2006**. As reasons therefore, Defendant states:

1. The **undersigned counsel in this action has been reassigned to an immigration task force**, consisting of only 2-3 assistant united states attorneys, within the Civil Division of the U.S. Attorney's Office. That task force will be handling all of the First and Second Circuit defensive immigration (asylum) appeals for the office. The formation of this immigration task force was necessary in order to address the continuous large volume of First and Second Circuit appeals being referred to the office.

2. Consequently, many of the undersigned counsel's cases have been immediately reassigned, including the instant case, to colleagues who are as yet unfamiliar with the cases. Granting this brief extension will allow new counsel to this action to familiarize him or herself with the case.

3. Granting this brief extension will promote a more meaningful and thorough Mediation, as it will allow the parties to complete fact and expert discovery prior to the Mediation. Specifically, the discovery deadline is currently scheduled for mid-January 2006. By continuing the Mediation to on or after the end of January, the parties will be able to make use of documents and information obtained during the discovery process.

4. Granting this brief extension will not prejudice or delay this action in any way, as Defendant is proposing that it take place on or after January 30, 2006, which is prior to any of the remaining scheduled court dates (i.e., the final pretrial conference and trial, which are in mid- and late February 2006, respectively).

5. Plaintiff's counsel has been informed of the reassignment of the instant case and the need for rescheduling of the Mediation.

WHEREFORE, Defendant respectfully requests that the Court continue the Mediation to on or after January 30, 2006.

Respectfully submitted,

UNITED STATES OF AMERICA,

By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Gina Walcott-Torres  
Gina Walcott-Torres  
Assistant United States Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
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**CERTIFICATION OF COMPLIANCE WITH RULE 7.1(A)(2) CERTIFICATION**

The undersigned counsel hereby certifies that she called opposing counsel and left him a message concerning this motion in an attempt to narrow the issues herein and to inform them of the relief sought by the motion.

/s/ Gina Y. Walcott-Torres

Gina Y. Walcott-Torres

Assistant United States Attorney